

RECEIVED  
CENTRAL FAX CENTER

JAN 10 2005

Garmin 702.336  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Darrin Kabel et al. : Art Unit: 2674  
Serial No.: 10/785,544 : Examiner: Liang, Regina  
Filed: 2-24-2004 :  
For: COMPUTER PROGRAM,  
METHOD AND DEVICE FOR  
CONTROLLING THE  
BRIGHTNESS OF A DISPLAY

**TERMINAL DISCLAIMER TO OBLIVIATE  
A DOUBLE PATENTING REJECTION**

The owner, Garmin Ltd., owner of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Nos. 6,703,998 and 6,590,561 which are also owned in their entirety by the undersigned owner. On information and belief, the inventions described in the instant application and U.S. Patent Nos. 6,703,998 and 6,590,561 were commonly owned in their entirety at the time such inventions were made.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

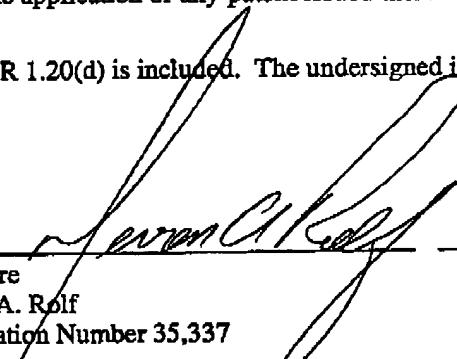
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is

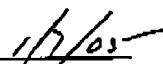
Garmin 702.336  
PATENT

found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The terminal disclaimer fee under 37 CFR 1.20(d) is included. The undersigned is an attorney of record.

  
\_\_\_\_\_  
Signature  
Devon A. Rolf  
Registration Number 35,337

  
\_\_\_\_\_  
Date

Garmin International, Inc.  
1200 East 151<sup>st</sup> Street  
Olathe, KS 66062  
(913) 397-8200  
(913) 397-9079 – Fax